

SELECTMEN'S MEETING MINUTES

June 19, 2012

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Attorneys Paul DeRensis, Kim Saillant and Rod Hoffman –
Deutsch Williams Brooks DeRensis & Holland, P.C.
Attorneys Leonard Kopelman and Mark Reich - Kopelman &
Paige, P.C.
Attorneys J. Raymond Miyares and Christopher Heep –
Miyares & Harrington LLP
Attorneys James Toomey, Michale Maccaro, Brandon Moss
– Murphy Hesse Toomey & Lehane, LLP
Attorneys Jason Talerman and Richard Bowen – Blatman,
Bobrowski & Mead, LLC
Attorneys Richard Gelerman and Michael Cabral –
Gelerman & Cabral, LLC

The Meeting was brought to order at 6:30 p.m. by James J. DeVellis, Chairman. Chairman DeVellis read a statement outlining the parameters of this meeting. He explained the purpose of this meeting was to interview six law firms that responded to the RFP. Each applicant would have ten minutes for an opening statement, fifteen minutes for questions and answers and five minutes for closing statements. Questions by the Board would be the same for each applicant with no follow up questions being asked. Chairman DeVellis read these parameters before each firm made their statements.

6:30 - Attorney Paul DeRensis gave the opening statement summing up briefly those attributes of Deutsch/Williams that makes his firm a qualified candidate to serve the Town of Foxborough – Independence, Continuity, Stability and Accomplishments. He pointed out he has no issue with telling the Town “No” when something is wrong or illegal, that it cannot be done. He said this can be done without being disagreeable and to find a way to resolve the issue in a manner that is best for the Town. He said progress is being made on several issues facing the Town and there are a couple of big issues in progress; this is where continuity counts. He talked about accomplishments during the extraordinary period the Town has seen in the past year alone. He pointed out that Foxborough is no longer the “small little” town that it was once referring specifically to the NFL franchise, the development of Patriot Place, the formation of a new DPW and related issues. He said Deutsch/Williams is prepared to handle any challenge facing the Town through hard work and expertise.

After the opening statement by Attorney DeRensis, the Board proceeded to ask the prepared questions. Board members will determine a numerical grade as each law firm responds to the questions. Chairman DeVellis explained that he would compile the results and the Board would then make a decision on the next step in the process.

Attorney DeRensis made a brief closing statement saying that he is committed to the Town of Foxborough, understands what it means to hold public office and he understands the fiduciary responsibility. He said even though his time with the Town has been somewhat of a “roller coaster”, he really cares about Foxborough.

7:00 - Attorney Leonard Kopelman of Kopelman & Paige, P.C., in his opening statement pointed out that his firm has many lawyers and does only municipal law and do that for 120 communities around the Commonwealth. He said his firm would be able to provide quick and accurate answers as they have rendered thousands of opinions. Attorney Kopelman said Attorney Mark Reich would be the Town’s main counsel and would be available every day, all day.

Attorney Reich pointed out that he does not handle private work; he works very closely with cities and towns, each of them unique. He said he has been lead counsel for over 20 years on every facet of municipal law. He does not do trial work and therefore is not tied up in court. He is available at all times. Attorney Reich gave an example of his experience in Appeals Court winning favorable decisions. He said he was involved in the case of the W.R. Grace clean-up of the hazardous waste site. In closing Attorney Kopelman said his firm relies on experience in doing only municipal law and doing that in a cost effective manner while putting the “Town on the right track”.

7:30 - Attorney Raymond Miyares said their law firm consists of six lawyers serving as town counsel for several communities. He introduced Attorney Christopher Heep, the land use specialist. Attorney Miyares is confident that they could serve well the Town of Foxborough. He wanted the Board to realize that Attorney Heep is an important corner of their firm with a range of expertise. He feels they have special expertise in dealing with large economic development projects and that they understand the unique requirements of small towns.

Attorney Heep explained that he worked with the Town of Hopkinton on the Lexington Farm residential development project preparing a zoning by-law needed for the mixed use development to move forward. In closing Attorney Raymond Miyares said he feels that his firm is a good match for Foxborough because it is a small town and the people want to reserve that identity. Foxborough has to decide what the future is going to be and he feels that with the experience his firm has that they could “do a good job for Foxborough.” He appreciated the opportunity to re-bid even though they are a small firm.

8:00 - Attorney James Toomey, Murphy, Hesse, Toomey & Lehane, LLP, introduced Attorney Michael Maccaro and Attorney Brandon Moss. He explained they have 32 lawyers serving the private sector as well as municipal governments. He said they put a high priority on developing a good working relationship and the quality of work. They have a good grounding in municipal law and feel they could do a good job for the Town of Foxborough. Attorney Toomey spoke of successful cases going to the Supreme Court and in particular a case involving the construction of a cell tower in which his firm was able to stop the construction. Attorney Brandon Moss said in the closing statement that the Firm has a breadth of experience that puts it in position to give good service to the community. He encouraged the Board to speak to other towns they have served; it would be productive for both parties.

8:30 – Attorney Jason Talerman, Blatman, Bobrowski & Mead, LLC, introduced Attorney Richard Bowen. He explained that his firm consists of five partners and two associates and they serve eleven municipalities. He pointed out that his firm takes a pro-active approach and works to identify problems before they become litigation issues. He said all members of the firm have been town officials and would be available as often as needed by the Town. Attorney Bowen gave a brief background and said this firm has given him an opportunity to practice law in a more satisfactory way. He said he would be there to help and could structure his time in a way that satisfies the needs of the Town. Attorney Talerman gave examples of experiences in the court system including the Supreme Judicial Court, economic development projects and wind turbine permits. As a follow up, Attorney Talerman said he was proposing a dual lead counsel; he felt this would be unique for Foxborough. He said “If the Town wants somebody to get down in the trenches” his firm is the one the Board should go with.

9:00 – Attorney Richard Gelerman pointed out that his firm needed no introduction, that “everyone” knows who he is. He introduced Attorney Michael Cabral. He gave a brief background pointing out that they serve five communities and has been Special Town Counsel over the years. Attorney Cabral said he has had experience on land use, litigations before the court and commercial real estate development. He focuses on land use and real estate business. Attorney Gelerman said he would be completely accessible. He pointed out that on some issues he would not do the research himself but would supervise the work of the whole firm. He has a good knowledge of the Town of Foxborough; he felt he had developed a good reputation during his former services to the Town. He pointed out that it is good practice to avoid litigation and that sometimes some things are not in the interest of the Town to litigate. He said he does not like it when Boards within a community have disputes with one another. He said most counsel is technical advice and a good lawyer acts as counsel, has integrity and develops a good relationship with the people in the community.

In closing Attorney Gelerman thanked the Board for the opportunity to apply; he said "It is a pleasure to be back" and whoever is hired is going to give the Town the right advice. He pointed out that the lawyers in his firm all live in the area and would be accessible and responsive. He has great respect for members of the Board who serve during very difficult times.

Chairman DeVellis suggested that the Board not make a decision at this meeting unless the majority of the Board felt comfortable in doing so. Lorraine Brue requested that the top 2 firms ranked in the rating table be asked for a second interview. The consensus of the Board was to have an opportunity to review what was said and get back to the Chairman at a later date. Lynda Walsh suggested that the Board review over the week and ask the Chairman to put this on the agenda for the next meeting. Lorraine Brue noted that whatever was presented in the applicants' package relative to fees the BOS would instruct Kevin Paicos to negotiate the most desirable fee structure.

Motion by Mark Sullivan to adjourn. Seconded by Lorraine Brue.

Vote: 5-0-0

Meeting adjourned at 9:45 p.m.

Lorraine Brue, Clerk